



## CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

July 24, 2025  
Agenda Item No. 2

**SUBJECT:** Breakers Drive (PA2025-0036)  
Lot Line Adjustment

**SITE LOCATION:** 3150 and 3200 Breakers Drive

**APPLICANT:** Apex Land Surveying, Inc.

**OWNERS:** 3200 Breakers Drive: Breakers CDM, LLC  
3150 Breakers Drive: Sandra Sholl, trustee of The Sandra Sholl Trust

**PLANNER:** Daniel Kopshever, Assistant Planner  
949-644-3235, [dkopshever@newportbeachca.gov](mailto:dkopshever@newportbeachca.gov)

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### **LAND USE AND ZONING**

- **General Plan Land Use Plan Category:** Single Unit Residential Detached (RS-D)
- **Zoning District:** Single-Unit Residential (R-1)
- **Coastal Land Use Plan Category:** Single Unit Residential Detached (RSD-A) - (0.0 – 5.9 DU/AC)
- **Coastal Zoning District:** Single-Unit Residential (R-1)

### **PROJECT SUMMARY**

A request to adjust the interior lot line between two contiguous properties that are developed with single-unit dwellings. Approximately 48 square feet of land will be taken from 3150 Breakers Drive (Parcel 1) and added to the adjacent parcel at 3200 Breakers Drive (Parcel 2). The adjusted lot line will allow for an in-ground spa originally constructed over the interior lot line to be located entirely within Parcel 2. There will be no net change in the number of parcels.

### **RECOMMENDATION**

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment; and
- 3) Adopt Draft Zoning Administrator Resolution No. \_\_ approving the Lot Line Adjustment filed as PA2025-0036 (Attachment No. ZA 1).

## **DISCUSSION**

- The subject properties are located at 3150 Breakers Drive (Parcel 1) and 3200 Breakers Drive (Parcel 2). They are zoned Single-Unit Residential (R-1) and are categorized as Single Unit Residential Detached (RS-D) by the Land Use Element of the General Plan.
- The proposed project will adjust the interior boundary between the two properties to take a portion of land that is 4 feet wide by 12 feet long from Parcel 1 and add it to Parcel 2. The area of adjustment can be seen in the lot line adjustment exhibit included as Attachment No. ZA 3.
- An on-grade spa associated with Parcel 2 was permitted in 1980 under plan check number 924-80. The spa was ultimately built over the property line. The adjusted boundary will allow the spa to be located entirely within Parcel 2.
- The proposed project was previously approved under PA2015-105, and then subsequently under PA2022-083, but both of these approvals expired due to inactivity and therefore a new request has been submitted.
- The minimum required width and lot area for an interior lot in the R-1 Zoning District is 50 feet wide and 5,000 square feet in area. Both lots will continue to comply with the general development standards for R-1 properties.
- The total number of parcels will not change because of the project.
- Setbacks applicable to properties within the R-1 Zoning District shall continue to apply to the adjusted parcels. The proposed adjustment will not create any nonconformities.
- The properties are located within the Coastal Zone; however, the project does not require a Coastal Development Permit. The Lot Line Adjustment does not result in a change to the density or intensity of the properties and is not considered development under the definition of development provided in Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC).

## **ENVIRONMENTAL REVIEW**

The project is categorically exempt under Section 15305 of the State CEQA (California Environmental Quality Act) Guidelines under Class 5 (Minor Alterations in Land Use Limitations). This exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including but not limited to minor lot line adjustments not resulting in the creation of any new parcel.

The project will adjust a lot line to accommodate an in-ground spa. The project will not result in a change in use or density and is consistent with the requirements of the Class 5 exemption.

The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

### **PUBLIC NOTICE**

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways), including the applicant, and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

### **APPEAL PERIOD:**

An appeal may be filed with the Director of Community Development within 10 days following the date of the action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:



Daniel Kopshever, Assistant Planner

JP/djk

|              |      |  |
|--------------|------|--|
| Attachments: | ZA 1 | Draft Resolution                                       |
|              | ZA 2 | Vicinity Map   |
|              | ZA 3 | Lot Line Adjustment No. LA2025-0036 including Exhibits |

# **Attachment No. ZA 1**

Draft Resolution

## **RESOLUTION NO. ZA2025-###**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING LOT LINE ADJUSTMENT NO. LA2025-0036 TO ADJUST THE BOUNDARY BETWEEN TWO CONTIGUOUS PARCELS LOCATED AT 3150 AND 3200 BREAKERS DRIVE (PA2025-0036)**

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Apex Land Surveying, Inc (Applicant) on behalf of the property owners, with respect to properties located at 3150 and 3200 Breakers Drive, and legally described as Lot 10 and Lot 11, respectively, of Tract No. 1026, requesting approval of a Lot Line Adjustment.
2. The Applicant proposes to adjust the interior lot line between two contiguous properties that are developed with single-unit dwellings. Approximately 48 square feet of land will be taken from 3150 Breakers Drive (Parcel 1) and added to the adjacent parcel at 3200 Breakers Drive (Parcel 2). The adjusted lot line will allow for an in-ground spa originally constructed over the interior lot line to be located entirely within Parcel 2. There will be no net change in the number of parcels (Project).
3. The properties are categorized as Single Unit Residential Detached (RS-D) by the General Plan Land Use Element and are located within the Single-Unit Residential (R-1) Zoning District.
4. The properties are located within the Coastal Zone. The properties are categorized as Single Unit Residential Detached (RSD-A) - (0.0 – 5.9 DU/AC) by the Coastal Land Use Plan and are located within the R-1 (Single-Unit Residential) Coastal Zoning District. The Project does not require a Coastal Development Permit, as it does not result in a change to the density or intensity of the properties and is therefore not considered development under the definition of development provided in Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC).
5. The Project was previously approved under PA2015-105, and then subsequently under PA2022-083. Both of these approvals expired due to inactivity.
6. A public hearing was held on July 24, 2025, online via Zoom. A notice of time, place, and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing.

#### **SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.**

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA

Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.

2. The Class 5 exemption applies to projects which are minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density; including minor lot line adjustments, side yard and setback variances not resulting in the creation of any new parcel. The Project will adjust a lot line to accommodate an in-ground spa. The Project will not result in a change in use or density and is consistent with the requirements of the Class 5 exemption.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.76.020 (Procedures for Lot Line Adjustments) of the NBMC, the following findings and facts in support of such findings are set forth:

#### Finding:

- A. *Approval of the lot line adjustment will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot line adjustment is consistent with the legislative intent of the title.*

#### Facts in Support of Finding:

1. The purpose and intent of Chapter 19.76 (Lot Line Adjustment) of the NBMC is to allow for lot line adjustments. A lot line adjustment is defined as a minor boundary adjustment involving four or fewer adjacent lots or parcels where the land taken from one parcel is added to an adjacent parcel with the original number of parcels remaining unchanged after the adjustment. The Project will modify the interior boundary between two contiguous parcels to take a portion of land that is 4 feet wide by 12 feet long from Parcel 1 and add it to Parcel 2. The adjusted boundary will allow for an on-grade spa originally built over the property line in 1980 to be located entirely within Parcel 2. There will be no change to the overall number of lots. The project is consistent with the definition of a lot line adjustment and the overall purpose and intent of Chapter 19.76 of the NBMC.
2. The Project does not negatively impact surrounding landowners as the adjustment affects a small portion of an interior property line between two contiguous parcels.
3. Public improvements and infrastructure currently exist within the neighborhood and the Project will not result in the need for additional improvements and/or facilities.

#### Finding:

- B. *The number of parcels resulting from the lot line adjustment remains the same as before the adjustment.*

Fact in Support of Finding:

1. Fact 1 in support of Finding A is hereby incorporated by reference.

Finding:

- C. *The lot line adjustment is consistent with applicable zoning regulations except that nothing herein shall prohibit the approval of a lot line adjustment as long as none of the resultant parcels is more nonconforming as to lot width, depth, and area than the parcels that existed prior to the lot line adjustment.*

Facts in Support of Finding:

1. The Project will adjust a 12-foot-long portion of the interior boundary line between the subject properties. The area of adjustment is located towards the middle of the lots, approximately 57 feet north of the front property line and 73 feet south of the rear property line. The lot depth and overall lot width of the resulting parcels are unaffected by the Project.
2. Setbacks applicable to properties within the R-1 Zoning District shall continue to apply to the adjusted parcels in the same way that they applied to the previous parcel configuration.
3. The subject properties are located within the Bluff (B) Overlay District. NBMC Sections 20.28.040 (Bluff (B) Overlay District) and 21.28.040 (Bluff (B) Overlay District) establish development areas for the purpose of regulating the placement and location of structures. The existing spa is in what both NBMC Section 20.28.040 and 21.28.040 define as Development Area A. Spas and hot tubs are considered accessory structures and accessory structures are allowed in Development A.
4. The resulting parcels will comply with all applicable regulations of Title 20 (Planning and Zoning) of the NBMC and there will be no change in allowed land uses density, or intensity on the properties.

Finding:

- D. *Neither the lots as adjusted nor adjoining parcels will be deprived of legal access as a result of the lot line adjustment.*

Fact in Support of Finding:

1. Legal access to the subject properties is taken from Breakers Drive and will not be affected by the Project.

Finding:

- E. That the final configuration of the parcels involved will not result in the loss of direct vehicular access from an adjacent alley for any of the parcels that are included in the lot line adjustment.*

Facts in Support of Finding:

1. Vehicular access to both properties is currently provided from Breakers Drive. The final configuration of the subject properties will not result in the loss of the existing direct vehicular access.
2. There are no alleys located within or near the subject parcels.

Finding:

- F. That the final configuration of a reoriented lot does not result in any reduction of the street site setbacks as currently exist adjacent to a front yard of any adjacent key unless such reduction is accomplished through a zone change to establish appropriate street site setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street site setbacks are appropriate and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.*

Fact in Support of Finding:

1. The project will not reorient the lots and no revised or reduced setbacks are required.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2025-0036, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
3. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development in accordance with the provisions of Title 19 (Subdivisions), of the NBMC.



**PASSED, APPROVED, AND ADOPTED THIS 24<sup>TH</sup> DAY OF JULY 2025.**

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Benjamin M. Zdeba, AICP, Zoning Administrator

**EXHIBIT “A”****CONDITIONS OF APPROVAL**

*(Project-specific conditions are in italics)*

1. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
2. *Prior to the Recordation of the Lot Line Adjustment, the Applicant shall submit the Lot Line Adjustment exhibits to the Public Works Department for final review and approval. All applicable fees shall be paid.*
3. This approval shall expire and become void unless exercised within twenty-four (24) months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Section 20.54.060 (Time Limits and Extensions) of the NBMC .
4. To the fullest extent permitted by law, the Applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney’s fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City’s approval of **Breakers Drive** including, but not limited to **Lot Line Adjustment No. LA2025-0036 (PA2025-0036)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney’s fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of the City’s costs, attorney’s fees, and damages which the City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

## **Attachment No. ZA 2**

Vicinity Map

# VICINITY MAP



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Lot Line Adjustment No. LA2025-0036  
(PA2025-0036)

**3150 and 3200 Breakers Drive**

## **Attachment No. ZA 3**

Lot Line Adjustment No. LA2025-0036  
including Exhibits

**EXHIBIT " A "**  
**CITY OF NEWPORT BEACH**  
**LOT LINE ADJUSTMENT NO. LA 2025-0036**  
**(LEGAL DESCRIPTION)**

| OWNERS  | EXISTING PARCEL NUMBER | PROPOSED PARCELS<br>REFERENCE NUMBERS |
|---|------------------------|---------------------------------------|
| BREAKERS CDM, LLC as to Lot 11  | 052-120-12             | PARCEL 1                              |
| SANDRA SHOLL, as Trustee under The Sandra Sholl Trust dated August 21, 2018, and any amendments thereto, as to Lot 10 | 052-120-11             | PARCEL 2                              |

**PROPOSED LEGAL DESCRIPTION:**

REAL PROPERTY IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

**PARCEL 1:**

LOT 11 OF TRACT NO. 1026, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 12, PAGE 35 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING A RE-SURVEY OF SAID TRACT NO. 1026 SHOWING CORRECTIONS OF BEARINGS AND DISTANCES.

TOGETHER WITH THAT PORTION OF LOT 10 OF SAID TRACT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT 10, THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 10 NORTH 27°43'58" EAST 57.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHEASTERLY LINE NORTH 27°43'58" EAST 12.00 FEET; THENCE PERPENDICULAR TO SAID SOUTHEASTERLY LINE NORTH 62°16'02" WEST 4.00 FEET; THENCE PARALLEL TO SAID SOUTHEASTERLY LINE SOUTH 27°43'58" WEST 12.00 FEET; THENCE PERPENDICULAR TO SAID SOUTHEASTERLY LINE SOUTH 62°16'02" EAST 4.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 0.168 ACRES

**PARCEL 2:**

LOT 10 OF TRACT NO. 1026, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 12, PAGE 35 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING A RE-SURVEY OF SAID TRACT NO. 1026 SHOWING CORRECTIONS OF BEARINGS AND DISTANCES.

EXCEPTING THEREFROM THAT PORTION OF LOT 10 OF SAID TRACT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT 10, THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 10 NORTH 27°43'58" EAST 57.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHEASTERLY LINE NORTH 27°43'58" EAST 12.00 FEET; THENCE PERPENDICULAR TO SAID SOUTHEASTERLY LINE NORTH 62°16'02" WEST 4.00 FEET; THENCE PARALLEL TO SAID SOUTHEASTERLY LINE SOUTH 27°43'58" WEST 12.00 FEET; THENCE PERPENDICULAR TO SAID SOUTHEASTERLY LINE SOUTH 62°16'02" EAST 4.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 0.170 ACRES

THIS DESCRIPTION HAS BEEN PREPARED BY ME  
OR UNDER MY DIRECTION

  
\_\_\_\_\_  
PAUL D. CRAFT, P.L.S. 8516,  
LICENSE RENEWAL DATE: 12/31/26



SHEET 1 OF 1

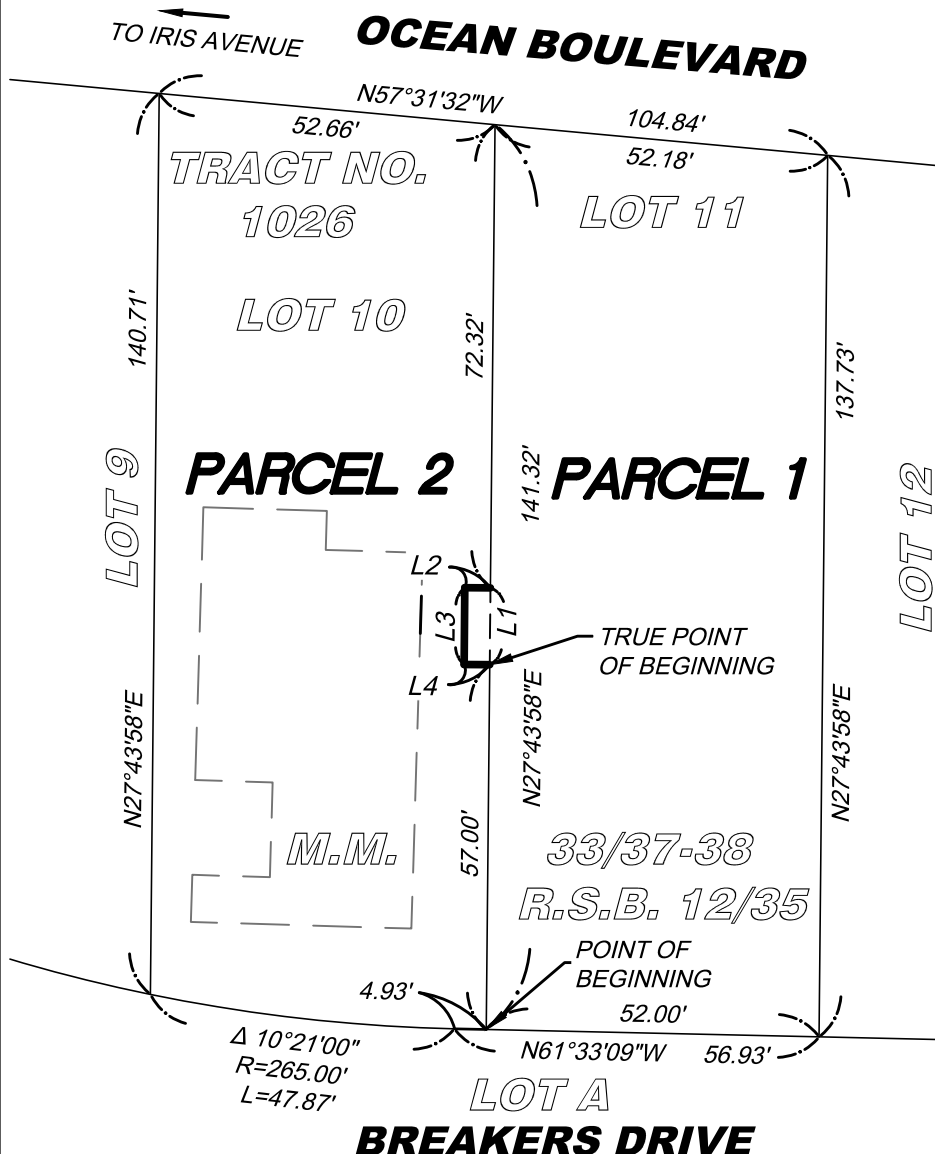
# EXHIBIT " B "

## CITY OF NEWPORT BEACH

### LOT LINE ADJUSTMENT NO. LA 2025-0036

(MAP)

| OWNERS  | EXISTING PARCEL NUMBER | PROPOSED PARCELS<br>REFERENCE NUMBERS |
|---|------------------------|---------------------------------------|
| BREAKERS CDM, LLC as to Lot 11  | 052-120-12             | PARCEL 1                              |
| SANDRA SHOLL, as Trustee under The Sandra Sholl Trust dated August 21, 2018, and any amendments thereto, as to Lot 10 | 052-120-11             | PARCEL 2                              |



#### LINE LEGEND

- NEW PARCEL LINE
- EXISTING BOUNDARY LINE TO REMAIN
- - - EXISTING BOUNDARY LINE TO BE REMOVED

| Line Table |             |        |
|------------|-------------|--------|
| Line #     | Direction   | Length |
| L1         | N27°43'58"E | 12.00' |
| L2         | N62°16'02"W | 4.00'  |
| L3         | S27°43'58"W | 12.00' |
| L4         | S62°16'02"E | 4.00'  |



SCALE: 1"=30'



THIS MAP HAS BEEN PREPARED BY ME  
OR UNDER MY DIRECTION

PAUL D. CRAFT, P.L.S. 8516,  
LICENSE RENEWAL DATE: 12/31/26

SHEET 1 OF 1

(MAP)

PARCEL 2



| #  | Direction   | Length |
|----|-------------|--------|
| L1 | N27°43'58"E | 12.00' |
| L2 | N62°16'02"W | 4.00'  |
| L3 | S27°43'58"W | 12.00' |
| L4 | S62°16'02"E | 4.00'  |



## SHEET 1 OF 1

